

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 774
95TH GENERAL ASSEMBLY

Reported from the Committee on Health, Mental Health, Seniors and Families, February 25, 2010, with recommendation that the Senate Committee Substitute do pass.

4370S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 565, RSMo, by adding thereto one new section relating to department of mental health protection measures, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 565, RSMo, is amended by adding thereto one new section, to be known as section 565.086, to read as follows:

565.086. 1. An offender commits the crime of endangering a department of mental health employee, a visitor or other person at a secure facility, or another offender if he or she attempts to cause or knowingly causes such individual to come into contact with blood, seminal fluid, urine, feces, or saliva.

2. For purposes of this section, the following terms mean:

(1) "Department of mental health employee", a person who is an employee of the department of mental health, an employee or contracted employee of a subcontractor of the department of mental health, or an employee or contracted employee of a subcontractor of an entity responsible for confining offenders as authorized by section 632.495;

(2) "Offender", persons ordered to the department of mental health after a determination by the court that such persons may meet the definition of a sexually violent predator, persons ordered to the department of mental health after a finding of probable cause under section 632.489, and persons committed for control, care, and treatment by the department of mental health under sections 632.480 to 632.513;

(3) "Secure facility", a facility operated by the department of mental health or an entity responsible for confining offenders as

21 authorized by section 632.495.

22 3. Endangering a department of mental health employee, a
23 visitor or other person at a secure facility, or another offender is a
24 class D felony unless the substance is unidentified, in which case it is
25 a class A misdemeanor. If an offender is knowingly infected with the
26 human immunodeficiency virus (HIV), hepatitis B, or hepatitis C and
27 exposes another individual to HIV or hepatitis B or hepatitis C by
28 committing the crime of endangering a department of mental health
29 employee, a visitor or other person at a mental health facility, or
30 another offender, it is a class C felony.

Unofficial ✓

Bill

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